



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/036,605

12/21/2001

Nancy J. Dodd

109.0015

4732

27997 7590 12/11/2008
PRIEST & GOLDSTEIN PLLC
5015 SOUTHPARK DRIVE
SUITE 230
DURHAM, NC 27713-7736

EXAMINER

GREIMEL, JOCELYN

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

12/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/036,605 | Applicant(s) DODD ET AL. | |
| | Examiner JOCELYN GREIMEL | Art Unit 3693 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to Applicant's Amendments and Remarks filed 10 January 2008 and the interview conducted 16 October 2008. The Final Action is being reissued as detailed below.

Status of Claims

Claims 1-32 are currently pending.

Response to Arguments

Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3693

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Examiner Note: Independent claims are examined together, because they are not patentably distinct. If Applicant expressly states on the record that two or more independent and distinct inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camin et al. (US Patent No. 7,379,912 B1, hereinafter Camin) in view of Lent et al (US Patent No. 6,795,812 B1, hereinafter Lent).

In reference to claims 1, 11, 14, 24 and 27, Camin discloses a method, system and apparatus for processing claims, comprising:

- (a) capturing at a servicer terminal data submitted by a servicer relating to a mortgage insurance claim, the servicer terminal being connected into a network administered by a central server computer, capturing of data including capturing data relating to an insured mortgage loan after default on the mortgage loan by a borrower (col. 4-6, figures 2 and 4);
- (b) automatically retrieving from a claims database, connected into the network, data relating to the mortgage insurance claims (col. 7);

Art Unit: 3693

(c) accessing a claim audit rulebase, connected into the network, to automatically perform an audit and adjustment of the submitted claim based upon the data captured at the servicer terminal and the data retrieved from the claims database, the claim audit rulebase including rules directed to determining if loss can be mitigated by acquisition by an insurer of a property subject to the insured mortgage loan (col. 9);

(d) automatically providing to the servicer at the servicer terminal results of the audit and adjustments of the submitted claim (col. 9+).

Camin does not disclose the method including, wherein:

(e) automatically providing the servicer at the servicer terminal with an option to interact with a claim representative to resolve any issues.

However, Lent discloses a method, system and apparatus for online transactions, including:

(e) automatically providing the servicer at the servicer terminal with an option to interact with a claim representative to resolve any issues (col. 4, line 8; col. 5, line 48+). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the claim processing system of Camin to include the ability for a client to have an option to interact with a representative to resolve issues as it would make the system more user-friendly and efficient.

In reference to claims 2-10 and 12-13, the combination of Camin and Lent (as detailed in the evaluation above) discloses a method for automatically processing claims wherein:

data entry fields are automatically pre-filled using stored data (Camin col. 6); a document generator generates a settlement letter for servicer (Camin col. 11); the claim audit rulebase determines if a payment is to be made and the projected date of payment (Camin col. 9+); servicer is provided with a detailed explanation of policy exceptions identified by the rulebase (Camin col. 9+); a claim representative terminal connected into the network for allowing a servicer to communicate with the claim representative (Lent col. 4); the servicer communicates with the claim representative using e-mail (Lent col. 4+); the servicer terminal runs a web browser and web server computer sending web pages to the servicer terminal (Camin col. 4+); a transaction server for relaying data among the server computer, the claim audit rulebase and the claims database; and a document generator connected to the web server (Camin figures 2 and 4); a document generator connected to the web server for generating a settlement letter (Camin col. 11+); a network of claim representative terminals connected to the web server for allowing a servicer at a servicer terminal to communicate with a claim representative at a claim representative terminal (Lent col. 4+).

As detailed above, Camin does not disclose the method including, wherein:

Art Unit: 3693

(e) automatically providing the servicer at the servicer terminal with an option to interact with a claim representative to resolve any issues.

However, Lent discloses a method, system and apparatus for online transactions, including:

(e) automatically providing the servicer at the servicer terminal with an option to interact with a claim representative to resolve any issues (col. 4, line 8; col. 5, line 48+). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the claim processing system of Camin to include the ability for a client to have an option to interact with a representative to resolve issues as it would make the system more user-friendly and efficient.

In reference to claims 28-32, the combination of Camin and Lent disclose a method for automatically processing claims including:

determining whether there have been any errors in loading the claims into the claims database and if there are any errors informing a system support group (Camin col. 11); and automatically generating an e-mail message informing a claim submitter that a claim has been received and that an audit has been completed (Lent col. 4); and

the terminal captures data relating to the value of a property securing the insured mortgage loan; wherein the servicer terminal captures data relating to unpaid interest due and expenses incurred as a result of default by a borrower; wherein

Art Unit: 3693

the claim form includes provisions for submission of all data specified by the Uniform Mortgage Insurance Claim for Loss (Camin col. 4-5; col. 11+).

As detailed above, Camin does not disclose the method including, wherein:

(e) automatically providing the servicer at the servicer terminal with an option to interact with a claim representative to resolve any issues.

However, Lent discloses a method, system and apparatus for online transactions, including:

(e) automatically providing the servicer at the servicer terminal with an option to interact with a claim representative to resolve any issues (col. 4, line 8; col. 5, line 48+). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the claim processing system of Camin to include the ability for a client to have an option to interact with a representative to resolve issues as it would make the system more user-friendly and efficient.

Dependent claims 15-23 and 25-26 mirror dependent claims rejected above and are rejected under the same rationale as detailed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOCELYN GREIMEL whose telephone number is (571)272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
December 1, 2008

/Stefanos Karmis/
Primary Examiner, Art Unit 3693